



Nursing Care Quality Assurance Commission

MINUTES

September 22, 2005

9:00AM – 4:00PM

Red Lion at Salmon Creek

1500 NE 134th Street

Vancouver, WA 98685

360-566-1497

“Public Health – Always Working for a Safer and Healthier Washington.”

Commission Members present: Dr. Judith D. Personett, EdD, RN, Chair
Jacqueline Rowe, RN, Vice-Chair
Karen Brewer, Public Member
Richard Cooley, LPN
Rev. Ezra Kinlow, Public Member
Lorrie Hodges, LPN
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP
Dr. Susan Woods, RN
Rhonda Taylor, RN

Assistant Attorney General: Gail Yu, Assistant Attorney General

Staff present: Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Usrah Claar-Rice, RN, MSN, Nursing Education Manager
Chuck Cumiskey, RN, MBA, Nurse Practice Manager
Mary Dale, Health Service Consultant
Terry West, Health Service Consultant

1. Opening— Dr. Judith D. Personett, EdD, RN, Chair

- Call to Order - Dr. Judith Personett opened the meeting at 9:05AM on Thursday September 22, 2005.
- Introductions – The Governor has appointed three new commission members present at this meeting. The newly appointed members are Dr. Susan Woods, faculty member at the University of Washington (UW), Rhonda Taylor, RN, faculty member at Yakima Valley Community College and Lorrie Hodges, LPN, employed at Access Urgent and Family Healthcare in Auburn. Also present was a new pro tem member, appointed by the Secretary of Health, Louise Kaplan, Assistant Professor Lecturer, at the Washington State University at Vancouver. Ms. Kaplan is an ARNP, who will be assisting with review of ARNP disciplinary cases.
- Order of Agenda – The commission agreed to remove the annual work plans from the agenda and place them on the November agenda.
- Correspondence
- Announcements

2. Consent Agenda—DISCUSSION/ACTION

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- Approval of minutes
 - Nursing Care Quality Assurance Commission (NCQAC) business meeting minutes
 - July 15, 2005
 - Nursing Care Quality Assurance Commission disciplinary hearing minutes
 - Nursing Program Approval Panel (NPAP) minutes

- April 12, 2005
- May 6, 2005
- June 21, 2005
- Subcommittee minutes
 - Education Subcommittee minutes
 - March 29, 2005
 - Disciplinary Subcommittee minutes
 - Practice Subcommittee minutes
- National Council of State Boards of Nursing (NCSBN) correspondence
 - NCSBN position paper on the Clinical Instruction in Prelicensure Nursing Programs
 - NCSBN Education minutes August 3, 2005
 - Letter from NCSBN President Donna Dorsey
 - NCSBN Member Board Operations Focus Group
- Out of State Travel for 2005
- Fact Sheet on the International Migration of Nurses

DISCUSSION: Dr. Judith Personett was appointed as a member of the NCSBN resolutions committee for a 2 year term.

The minutes of the July NCQAC meeting will be available at the November meeting.

Louise Kaplan introduced her students who were present and invited the commission members and Department of Health staff to attend a presentation by Dr. Bernadette Melinyk at their 2005 Cleveland Visiting Scholar program. The presentation will be held at 5:30PM at the WSU College of Nursing in Vancouver.

ACTION: A motion was made and passed to adopt the consent agenda items.

3. **Chair Report — Dr. Judith D. Personett - DISCUSSION/ACTION**

- Dr. Personett will report on her attendance at the Department of Health, Health Professions Quality Assurance Leadership conference that was held September 12, 2005.

DISCUSSION: Dr. Personett and Jackie Rowe attended the conference held for Board and Commission officers. There were approximately sixty members present. Gov. Christine Gregoire gave a presentation on Government Management, Accountability and Performance or GMAP. Mary Selecky, Secretary of the Department of Health (DOH), spoke on the DOH and Board, Commission relations: A Partnership. Laurie Jenkins, Assistant Secretary of DOH Health Systems Quality Assurance (HSQA) gave a presentation on integrating regulation. Bonnie King, Director of Health Professions Quality Assurance (HPQA), gave an update on the Act Strategically Prioritize Invest Resources Effectively (ASPIRE) projects, organization restructure, fee reductions and the 2003-2005 budget challenges. Each presenter was available for questions and answers following their presentation. In the afternoon the members broke out into small groups to develop questions for a panel of experts. The main issue or concern was the education of new commission/board members. The day concluded with a reception with Governor Gregoire at the Governor's mansion.

The Board Commission Committee (BCC) conference that was scheduled to be held September 23 has been cancelled. The current plan for next year's BCC is to have the first half day a workshop with the second day a full day and a reception at the Governor's mansion.

Dr. Personett announced that she will be attending the National Nursing Stakeholders' Meeting on Advanced Registered Nursing Practice to be held in Maryland on September 26, 2005.

4. **Executive Director Report – Paula Meyer - DISCUSSION/ACTION**

- Ms. Meyer will provide an update to the NCQAC any rules in progress.

DISCUSSION: Definitions and Licensure: In January, 2005, three members (Dr. Personett, Jackie Rowe, Richard Cooley) agreed to review the proposal drafted as a result of November, 2004 workshop. Two of the three members completed a review in the spring, 2005. Since that time, licensing and education staff have suggested further changes. The final suggestions are expected to be completed by September 30, 2005 and sent out again to the three NCQAC members. The draft will then be sent on the NCQAC list-serve in November for further public comment.

ARNP Joint Practice Agreement: The CR 102 was filed on August 9, 2005 with the Code Reviser's Office. The hearing is scheduled for November 4, 2005 at 10:00 a.m. at the Comfort Inn. This is scheduled during the NCQAC meeting.

Nursing Center Surcharge: The hearing to adopt the fee surcharge was held on August 23, 2005. The DOH received four written comments, however, no members of the public appeared at the hearing. The CR103 is going through internal review within the DOH and is expected to be filed by October 19, 2005. The new fee will take effect for all RN and LPN renewals due on or after November 21, 2005, and for all RN and LPN applications received on or after November 21, 2005.

- Ms. Meyer will provide information on the surcharge on nursing licensure fees.

DISCUSSION: SB5599 passed on May 4, 2005, providing funding for a Central Resource Center for the Nursing Workforce and describing the purpose and functions to be achieved. The Legislation was effective on July 24 and will enact a \$5.00 surcharge on all RN and LPN license fees to provide financial support for the Center for Nursing. An explanation of law has been sent to numerous list serves of nursing associations to educate their members. Implementation of the surcharge will be effective November 21 and the increase will be included on renewals sent out immediately. The surcharge will include initial licensure, and reactivations as well as renewals. In order to apply the surcharge to reactivations, defined under WAC 246-12, a revision to this WAC is necessary. A CR 101 will be drafted and distributed. A copy of the bill can be viewed at: <http://www.leg.wa.gov/pub/billinfo>. Ms. Meyer reported that an advertisement was placed in a Seattle business journal today. A sole source contract for the centralized workforce center is being evaluated. In order to assure fairness, an advertisement must be placed in a publication for five days so that any other entities that may meet the criteria for a workforce center have the opportunity to bid for the funds. According to the law, the NCQAC and the Workforce Training and Education Coordinating Board must have input. Dr. Personett offered to review the contract on behalf of the NCQAC. Madeline Thompson is the contact person for the Workforce Training and Education Coordinating Board.

- Ms. Meyer will report on the Office of Superintendent of Public Instruction (OSPI) 2005 Budget proviso meeting she attended on September 22, 2005.

DISCUSSION: During the 2005 legislature, Representative Dawn Morrell sponsored a budget proviso for \$45,000 supporting a workgroup to study the demands for school nurses, both staffing and health care services. The workgroup is responsible for a report to the legislature in February, 2006. A draft of the report is due on November 1, 2005, to be circulated through the DOH and the OSPI. The final draft is due on December 1, 2005. The final draft will be available at the January NCQAC meeting. Colleen VanSweringen, a member of the workgroup, was available in the audience for questions.

- Ms. Meyer will discuss licensing rules and emergency preparedness.

DISCUSSION: Ms. Meyer explained that there are limitations in the nursing licensing rules in the event of a natural disaster or emergency. A draft licensing procedure in the event of a natural disaster was included in the packet. Ms. Meyer will be working with DOH personnel responsible for disaster preparedness to address the needs of licensees who may wish to go out of WA state to an emergency area, or in the event of an emergency in WA state, may wish to come here. A second issue that is not currently addressed in the licensing rules is the length of time an application is considered active. Ms. Meyer explained that applications that are incomplete may have a pending status for years related to an incorrect or no fee is submitted, no social security number submitted, etc. There is no clear direction in rules stating a definite time that an application will no longer be considered active and then be archived. This also prompts the question of when a new application fee should be submitted. A third issue is the backup of our electronic data base of licensees in the event of an emergency or disaster. Backups of all licensure and disciplinary data are located in various sites across Washington State. In the event of a disaster, a recovery plan has been tested within DOH. Also, with the implementation of NurSYS an additional safeguard of our licensing and disciplinary data base is available.

DECISION: Dr. Personett, Jackie Rowe and Rick Cooley volunteered to review the licensing rules. It was suggested to include on the application a date that incomplete applications would no longer be considered and that the application fee is non refundable.

- Court of Appeals decision and the Case Management Team Process

DISCUSSION: Ms. Meyer explained the Client A & B vs. Yoshinaka case. A psychologist stated that patient records could not be requested without a court order. The Uniform Disciplinary Act (UDA) allows for the collection medical records in investigative requests without the patient's consent or knowledge. The case further questions the process used by boards and commissions in authorizing investigations. The Court of Appeals decision states that in order to open a report (a complaint) to an investigation, a panel of three members of a board or commission must authorize all investigations. In order to comply with the courts decision the DOH has been reviewing the case management process. A draft of the FAQ's regarding implementation of Client A @ B vs. Yosinaka was included in the packets. Dr. Judith Personett, NCQAC chair, Joanna Boatman (RN pro tem member) and Cathy Dodson (RN pro tem member) have been reviewing approximately 40 complaints per week. Mary Dale, HPQA Section 6 Discipline Manager, facilitates the case management process and commented that approximately 400 complaints had been reviewed. Ms. Dale also stated that the majority of cases are diversion cases.

5. Discussion items - DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter and then come to the next meeting for decision to proceed.

6. Nursing Care Quality Assurance Commission Newsletter Report – Terry West – DISCUSSION/ACTION

Ms. West will present an update on the progress of producing a NCQAC newsletter.

DISCUSSION: Gail Yu, AAG, explained the concerns of releasing names and addresses to a publishing company outside of a state agency. A proposal to have the Washington State Department of Printing complete all the printing and provide them with the names and addresses for distribution has met approval. Therefore the Publishing Concepts, Inc. (the publishing company) will not see any addresses. Terry West explained that all advertising in the newsletter must be related to nursing employers and this can be stated in a contract with Publishing Concepts, Inc. The plan is to produce a newsletter twice a year with the first publication being available shortly after the first of this next year. A contract with PCI has been drafted. All contracts must meet the Office of Financial Management (OFM) criteria and laws.

7. NurSYS® update – Terry West – DISCUSSION/ACTION

Ms. West will provide an update on the National Council of State Boards of Nursing NurSYS data base. This is the RN/LPN National verification data base in which 31 states are participants.

DISCUSSION: Ms. West explained that 31 states are currently participating in the NCSBN nursing data base, named NurSYS®. NurSYS® was built by NCSBN to serve as an unduplicated data base of all nurses in the United States. There was federal agency support of its development, but not a mandate similar to that required by the National Practitioner Data Bank for physicians and dentists. In Washington, we can access NurSYS® for information provided by those 31 participating states, but we do not provide information as we are not a participating state. The goal is to participate fully with NurSYS®. NurSYS® currently has the capability to upgrade their information on a daily basis.

At this time, licensing staff manually process all out of state verifications. With the implementation of NurSYS®, they would have access to current information immediately. Personal information such as social security numbers, birthdates, and addresses would be used for identification purposes, but this information would not be available to the public, according to contract specifications between the DOH and NCSBN. Ms. West is working with the DOH Information Services personnel and contracts office personnel to implement participation. There will be a meeting to discuss if becoming a participating member state would require a rules change.

8. NCQAC committee and charging panel assignments for 2005-2006 – Dr. Judith Personett, Paula Meyer - DISCUSSION/ACTION

The commission will make a decision on the committee panel assignments for the next year.

DISCUSSION: Currently there are two charging panels for disciplinary actions and two Nursing Program Approval Panels (NPAP). There was discussion to consider an ad hoc charging panel in addition to the two regularly scheduled panels. This would be available for emergent cases and in the event that a reviewing commission member (RCM) has multiple cases to present.

Mentors are appointed for all new NCQAC members. It is very helpful to have the mentor and new members serve on the same charging panels. Charging panel members, NPAP members, and committee members were assigned.

The Education sub-committee members will remain the same for now and will be re-evaluated as new NCQAC members are appointed and the demand for NPAP meetings is determined. With the adoption of the new nursing education rules, there may be a decrease in the need for two panels since the NCQAC has the ability to accept the national accreditation reports rather than complete a survey for all schools of nursing in the state.

The 2006 NCQAC meeting dates are as follows: January 13, 2006, March 9, 10, 2006, May 12, 2006, July 13, 14, 2006, September 8, 2006 and November 9, 10, 2006.

DECISION: A decision was made to develop an Ad Hoc charging panel consisting of: Jackie Rowe, Chair, Dr. Judith Personett, Karen Brewer, Rick Cooley. A public member will be appointed to this panel when the new public member appointment is completed by the governor. The NCQAC made a decision to leave this date and times this panel will meet pending until the next meeting for more discussion.

9. 2006 Disciplinary Hearing schedule – Paula Meyer - DISCUSSION/ACTION

The commission will review the hearing schedule and hearing panels members for 2006.

DISCUSSION: Dr. Personett explained that when NCQAC members sign up to serve on a hearing panel it is vital to attend and members are committed to serve on that date. It can be very expensive and time consuming when a hearing has to be cancelled because the panel is incomplete. Two hearings in this past year were cancelled due to lack of NCQAC members available to serve. Ms. Meyer repeated the importance of being available on the dates that people have agreed to on the form. The 2006 disciplinary hearing dates are: January 12, February 16, March 16, April 13, May 18, June 15, July 20, August 17, September 14, October 12, November 16 with no hearings in December.

DECISION: The members signed up for hearing dates that they can be available and the list was given to Mary Dale, the Discipline Manager for scheduling.

10:30AM – OPEN MIKE

Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

10. Discipline Subcommittee - Jackie Rowe – DISCUSSION/ACTION

- Other

DISCUSSION: Nothing to report at this meeting.

11. Practice Subcommittee – Dr. Judith Personett – DISCUSSION/ACTION

- LPN IV Therapy position statement – DISCUSSION/ACTION
- Practice Subcommittee Annual Work Plan
- Other

DECISION: A motion was made and passed to accept the Intravenous Therapy by Licensed Practical Nurses position statement dated August 10, 2005 with one grammatical change.

DISCUSSION: A copy of the Scope of Practice for a Registered Nurse in the Administration of Procedural Sedation and the Management of Patients Receiving Procedural Sedation policy statement that was filed with the code reviser's office on September 15, 2005 was presented to the commission.

12. Education Subcommittee – Mariann Williams - DISCUSSION /ACTION

- Final version of the Education Washington Administrative Code (WAC's)
- Education Subcommittee Annual Work Plan
- Other

DISCUSSION: A final version of the Education Rules was included in packets.

DECISION: The Education Subcommittee Annual Work Plan will be tabled until the November meeting.

11:00 AM to 11:30 AM Executive Session if needed

An Executive Session was not needed at this meeting.

LUNCH WITH OREGON STATE BOARD OF NURSING

1:00PM Joint meeting, Washington State Nursing Care Quality Assurance Commission and Oregon State Board of Nursing

Board Members present: Marguerite (Margie) Gutierrez, RN, Board President
Celina Tobias, LPN, Board Secretary
James McDonald, FNP, RN
Rolf Olson, public member
Beverly Shields, RN
Saundra Theis, PhD, RN
Jennifer Wagner, LPN
Amoy Williamson, Public member
Janet Wright, RN

Staff present: Joan Bouchard, RN, MSN -- Executive Director
Kimberly Cobrain, JD -- Program Executive, Compliance & Investigation
Karen Burke, RN, MS -- Education Consultant
Marilyn Hudson, RN, MSN -- Nursing Practice Consultant
Tracy Klein, MS, WHCNP, FNP -- Advanced Practice Consultant
Debbie Buck, RN, MS, BC -- CNA/CMA Program Consultant
Jolene Smith, RN -- Investigator/Advisor
Barbara Holtry -- Public Information Officer
KC Cotton -- Executive Assistant

13. Report from the National Council of State Boards of Nursing Annual Meeting – Dr. Judith Personett

Dr. Personett reported on her attendance at the NCSBN delegate assembly on August 1-5, 2005 in Washington D.C. Rolf Olson, JD, was elected Area I Director for the NCSBN and will serve a two-year term. Rolf is a member of the Oregon State Board of Nursing.

Saundra Theis, PhD, is President elect of the OR State Board of Nursing. Dr. Theis gave a report on the workshops she attended at the annual meeting which included clinical education and nursing outcomes on nursing education, nurse delegation and criminal background checks. The keynote speaker for the annual meetings was Rosemary Gibson, author of Walls of Silence. For her book, Ms. Gibson interviewed numerous families who have been the product of medical errors and their stories.

14. Legislation that affected the Oregon Board or Nursing Care Quality Assurance Commission in the 2005 Sessions

- Central Resource for Nursing – Ms. Meyer explained that the ESSB5599 passed the 2005 Washington legislature, and addresses the funding for a Center for Nursing. She explained the implementation of a \$5 surcharge on the RN and LPN licenses and renewals will be November 21, 2005. A report is due to the Legislature on the outcomes of the center for nursing on June 30, 2012.
- ARNP Prescriptive Authority – Ms. Tracy Klein, OR State Board of Nursing (OSBN), gave a report on legislation a bill to permit prescription and dispensing for clinical nurse specialists that includes schedules II-V drugs. In Oregon, Certified Registered Nurse Anesthetists (CRNA) do not have prescriptive authority at this time.
- Members of the NCQAC – Ms. Meyer discussed legislation that passed this year that increased the number of NCQAC members from 11 members to 15 and specified qualifications for certain members on the NCQAC.

- Fingerprint Authority - The OSBN will be using a National fingerprint process. According to a survey, the OR nurses were 83% in favor of this. The fingerprinting process would be completed on initial license applications only, not renewals.
- Credentialing of RN First Assistants – A bill passed the OR legislature for reimbursement of payment only for RN first assistants. The bill is a reimbursement issue not a safety issue.

15. Oregon's nursing education models

DISCUSSION: The Oregon Consortium for Nursing Education is a partnership of community colleges, and public and private university schools of nursing established in response to the critical nursing shortage and the 2001 Strategic Plan promulgated by the Oregon Nursing Leadership Council. In Oregon there are no Baccalaureate programs available in rural areas. All nursing programs in the state are members of this consortium.

16. Washington's report on the comparison of Navy and Air Force medical training with LPN curriculum standards

DISCUSSION: Ellen Rosbach, MN, RN, completed a comparison of the Naval Hospital Corps School Curriculum to the Washington NCQAC educational requirements for LPNs as written in the WAC. The report was included in the packets for Washington and Oregon. A similar comparison was completed for Air Force medical personnel education.

17. Continued Competency – report from both states on the work accomplished and recommendations

DISCUSSION: Fran Hicks, RN, PhD, FAAN, led a discussion on the work accomplished by the OSBN. Their mission is to pursue continued competency as part of licensure. The OSBN has a contract with Ms. Hicks to complete this work.

Dr. Judith Personett adjourned the joint meeting at 4:00PM September 22, 2005. Notes were taken by Kris McLaughlin.